



Scottish Elections (Reform) Act 2020

2020 asp 12

PART 2

ELECTORAL COMMISSION

Codes of practice

9 Expenditure of candidates at Scottish parliamentary elections

In the Political Parties, Elections and Referendums Act 2000, after section 6G insert—

“6H Code of practice on expenditure of candidates at Scottish parliamentary elections

- (1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to—
 - (a) the matters which are, or are not, to be regarded as election expenses,
 - (b) the cases or circumstances in which expenses are, or are not, to be regarded as incurred,for the purposes of any order under section 12(1) of the Scotland Act 1998 in so far as regulating the incurring of expenses for the purposes of a candidate’s election at a Scottish Parliamentary general election or an election under section 9 of the Scotland Act 1998 (constituency vacancies).
- (2) Once the Commission have prepared a draft code under this section, the Commission must submit it to the Scottish Ministers for their approval.
- (3) The Scottish Ministers may approve a draft code either without modification or with such modifications as they may determine.
- (4) Once the Scottish Ministers have approved a draft code, they must lay a copy of the draft before the Scottish Parliament, either—
 - (a) in its original form, or
 - (b) in a form which incorporates any modifications determined under subsection (3).

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- (5) If the draft incorporates any modifications determined under subsection (3), the Scottish Ministers must at the same time lay before the Scottish Parliament a statement of their reasons for making the modifications.
- (6) If, within the 40-day period, the Scottish Parliament resolves not to approve the draft code, the Scottish Ministers must take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
 - (a) the Scottish Ministers must issue the code in the form of the draft laid before the Scottish Parliament, and
 - (b) the Commission must arrange for it to be published in such manner as the Commission think appropriate.
- (8) Subsection (6) does not prevent a new draft code from being laid before the Scottish Parliament.
- (9) In this section, “the 40-day period”, in relation to the draft code, means the period of 40 days beginning with the day on which the draft code is laid before the Scottish Parliament (taking no account of any time during which the Parliament is dissolved or in recess for more than 4 days).
- (10) In this section, references to a draft code include references to a draft revised code.”.

10 Expenditure of candidates at Scottish local government elections

In schedule 4B of the Representation of the People Act 1983 (Scottish local government elections: election expenses) (as inserted by section 17(4) of the Local Electoral Administration and Registration Services (Scotland) Act 2006), after paragraph 12 insert—

“PART 2A

GUIDANCE BY THE ELECTORAL COMMISSION

- 12A (1) The Commission may prepare, and from time to time revise, a code of practice giving—
- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this schedule,
 - (b) guidance (supplementing the definition in section 90ZB) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate’s election.
- (2) Once the Commission have prepared a draft code under this paragraph, the Commission must submit it to the Scottish Ministers for their approval.
- (3) The Scottish Ministers may approve a draft code either without modification or with such modifications as they may determine.
- (4) Once the Scottish Ministers have approved a draft code, they must lay a copy of the draft before the Scottish Parliament, either—
- (a) in its original form, or

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- (b) in a form which incorporates any modifications determined under sub-paragraph (3).
- (5) If the draft incorporates any modifications determined under sub-paragraph (3), the Scottish Ministers must at the same time lay before the Scottish Parliament a statement of their reasons for making them.
- (6) If, within the 40-day period, the Scottish Parliament resolves not to approve the draft code, the Scottish Ministers must take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
 - (a) the Scottish Ministers must issue the code in the form of the draft laid before the Scottish Parliament, and
 - (b) the Commission must arrange for it to be published in such manner as the Commission think appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before the Scottish Parliament.
- (9) In this paragraph, “the 40-day period”, in relation to the draft code, means the period of 40 days beginning with the day on which the draft code is laid before the Scottish Parliament (taking no account of any time during which the Parliament is dissolved or in recess for more than 4 days).
- (10) In this Part, references to a draft code include references to a draft revised code.”.

11 Attendance of observers at Scottish parliamentary elections

- (1) The Political Parties, Elections and Referendums Act 2000 is amended in accordance with subsections (2) to (5).
- (2) In section 6G (code of practice on attendance of observers at local government elections in Scotland)—
 - (a) in subsection (1), after “at” insert “Scottish Parliamentary general elections, elections under section 9 of the Scotland Act 1998 (constituency vacancies) and”,
 - (b) the title of the section becomes “Code of practice on attendance of observers at Scottish Parliamentary elections and local government elections in Scotland”.
- (3) In section 6C(3) (accredited observers: individuals), after “to” insert “a Scottish Parliamentary general election, an election under section 9 of the Scotland Act 1998 (constituency vacancies) or”.
- (4) In section 6D(4) (accredited observers: organisations), after “to” insert “a Scottish Parliamentary general election, an election under section 9 of the Scotland Act 1998 (constituency vacancies) or”.
- (5) In section 6F(1) (code of practice on attendance of observers at elections etc.), after “than” insert “a Scottish Parliamentary general election, an election under section 9 of the Scotland Act 1998 (constituency vacancies) and”.
- (6) In section 24 of the Referendums (Scotland) Act 2020 (code of practice on attendance of observers)—

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- (a) after “at”, in the first place where it occurs, insert “Scottish parliamentary elections and”,
- (b) after “to”, in the second place where it occurs, insert “Scottish Parliamentary general elections, elections under section 9 of the Scotland Act 1998 (constituency vacancies) and”.

12 Controlled expenditure of third parties at Scottish local government elections

In section 85A(1) of the Political Parties, Elections and Referendums Act 2000 (controlled expenditure of third parties: power of Scottish Ministers), after “Parliament” insert “and local government elections in Scotland”.